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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc. et al.,

Defendants, and

Park 269 LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**PLAINTIFF'S MOTION
FOR LEAVE TO FILE
OBJECTION RESPONSES
UNDER SEAL**

1 Plaintiff Federal Trade Commission (“FTC”) hereby moves this Court for an Order granting the
2 FTC leave to file its response (Docket No. 556) to Defendants’ objection to the Court’s summary
3 judgment recommendation under seal and its response (Docket No. 557) to Defendants’ objection to the
4 Court’s order admitting evidence. In support of this motion, the FTC states as follows:

5 1. On January 11, 2013, this Court entered an amended protective order (Docket No. 308)
6 permitting parties to designate documents and testimony as confidential, and to submit such information to
7 the Court under seal.

8 2. On September 30, 2013, the FTC moved for summary judgment (Docket No. 454) and
9 Defendants moved for summary judgment. (Docket No. 461.)

10 3. On January 28, 2014, Magistrate Judge V. Cam Ferenbach issued a report and
11 recommendation granting in part the FTC’s motion for summary judgment. (Docket No. 539.) On the
12 same date, Judge Ferenbach issued an order admitting certain of the FTC’s contested summary judgment
13 exhibits. (Docket No. 538.)

14 4. On February 14, 2014, Defendants objected to the report and recommendation. (Docket
15 No. 542.) On the same date, Defendants objected to the evidentiary order. (Docket No. 544.)

16 5. On March 2, 2014, the FTC responded to Defendants’ objection regarding the summary
17 judgment motion. (Docket No. 556.) The FTC’s response includes references to, and quotes and
18 paraphrasing from, materials designated by Defendants as confidential.

19 6. On March 3, 2014, the FTC responded to Defendants’ objection regarding the evidentiary
20 order. (Docket No. 557.) The FTC’s response includes references to, and quotes and paraphrasing from,
21 materials designated by Defendants as confidential. The FTC’s response also includes the names of
22 Defendants’ consumers who have not agreed to publicly identify themselves, and the FTC has designated
23 the names of Defendants’ non-testifying consumers as confidential.

24 7. Due to the breadth of the Defendants’ confidential designations and the FTC’s repeated
25 references in its response to documents and testimony designated by Defendants as confidential, the FTC,
26 out of an abundance of caution, seeks leave of the Court to file both responses (Docket Nos. 556, 557)
27 entirely under seal.

1 8. Similar considerations affected the FTC's summary judgment briefing, and the Court in
2 those instances permitted the FTC to provisionally file its memoranda and exhibits under seal. (Docket
3 Nos. 476, 506, 525.)

4 9. The FTC and Defendants have already begun conversations regarding the unsealing of, and
5 redactions to, the FTC's previously-sealed summary judgment memoranda and exhibits. The parties
6 agreed to postpone those discussions pending completion of briefing with respect to Defendants'
7 objections to the Magistrate Judge's January 28, 2014 rulings.

8 10. The FTC intends to promptly (a) resume and conclude conferences with the Defendants
9 regarding the FTC's previously-sealed summary judgment memoranda and exhibits, (b) commence and
10 conclude similar conference with Defendants regarding the instant responses (Docket Nos. 556, 557), and
11 (c) file an appropriate motion to unseal with the Court.

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1 WHEREFORE, the FTC respectfully requests leave of the Court to file its responses (Docket Nos.
2 556, 557) to Defendants' objections under seal, with a reservation of the right to move the Court at a
3 later date to lift the seal order.
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5 March 3, 2014

6 Respectfully submitted,

7 /s/ Nikhil Singhvi

8 Nikhil Singhvi

9 Jason D. Schall

10 Helen P. Wong

11 Ioana Rusu

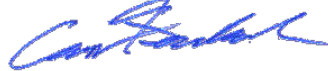
12 LaShawn M. Johnson

13 Courtney A. Estep

14 *Attorneys for Plaintiff*

15 *Federal Trade Commission*
16

17 IT IS SO ORDERED:

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19 UNITED STATES MAGISTRATE JUDGE
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21 DATED: 3-11-2014
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CERTIFICATE OF SERVICE

I, Nikhil Singhvi, certify that, as indicated below, all parties were served by electronic case filing with **PLAINTIFF'S MOTION FOR LEAVE TO FILE OBJECTION RESPONSES UNDER SEAL** filed with the Court and all parties were served by email with Plaintiff's objection responses.

Dated: March 3, 2014

/s/Nikhil Singhvi

Nikhil Singhvi

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